

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IOWA PUBLIC EMPLOYEES'
RETIREMENT SYSTEM, *et al.*,

Plaintiffs,

v.

BANK OF AMERICA CORPORATION,
et al.,

Defendants.

No. 17-cv-6221 (KPF)

**DECLARATION OF MICHAEL B. EISENKRAFT IN SUPPORT OF PLAINTIFFS'
MOTION FOR CLASS CERTIFICATION AND APPOINTMENT OF COHEN
MILSTEIN SELLERS & TOLL PLLC AS CO-LEAD CLASS COUNSEL**

I, MICHAEL B. EISENKRAFT, on behalf of the law firm of Cohen Milstein Seller & Toll, PLLC submit this declaration pursuant to 28 U.S.C. § 1746, and declare under penalty of perjury as follows:

1. I, Michael B. Eisenkraft, am a partner at the law firm of Cohen Milstein Sellers & Toll PLLC ("Cohen Milstein"), proposed Co-Lead Counsel for the Class.

2. I respectfully submit this declaration in support of Plaintiffs' Motion for Class Certification and Application to Appoint Cohen Milstein Co-Lead Class Counsel. I have been actively involved in this action, am familiar with the proceedings, and have personal knowledge of the matters stated herein.

3. Attached to this declaration as Exhibit 152 is a true and correct copy of promotional materials describing Cohen Milstein as a firm, its Antitrust and Securities Litigation & Investor Protection practice groups, and biographies of some of the Cohen Milstein Partners and Associates involved in this litigation: Christopher J. Bateman, Robert W. Cobbs, Michael B.

Eisenkraft, David O. Fisher, Richard A. Koffman, Emmy L. Levens, Daniel McCuaig, Kit A. Pierson, and Julie G. Reiser.

4. Attached to this declaration as Exhibit 153 is a true and correct copy of *The National Law Journal* article naming Cohen Milstein as a 2020 “Antitrust – Law Firm of the Year.”

5. Attached to this declaration as Exhibit 154 is a true and correct copy of a *Law360* article naming Cohen Milstein’s Securities Litigation & Investor Protection practice group as a 2020 “Securities Group of the Year.”

6. Attached to this declaration as Exhibit 155 is a true and correct copy of two *Legal 500* articles naming Cohen Milstein among the leading “Product liability, mass tort and class action” plaintiff firms and “Civil litigation/class actions” plaintiff firms.

7. Attached to this declaration as Exhibit 156 is a true and correct copy of a *Chambers USA* article listing Cohen Milstein as a leading firm in the “USA – Nationwide Antitrust: Plaintiff Legal Rankings” category, and the *Chambers USA* profile of Cohen Milstein’s Antitrust practice group, describing it as an “[a]ccomplished team offering plaintiff representation in major class actions frequently concerning price manipulation and product delays,” and “[p]articularly adept in managing competition disputes in the finance, technology and pharmaceutical sectors.”

8. Attached to this declaration as Exhibit 157 is a true and correct copy of *Law360*’s “Glass Ceiling Report” naming Cohen Milstein as one of “The Best Law Firms for Female Attorneys” in 2019.

9. Attached to this declaration as Exhibit 158 is a true and correct copy of *Benchmark Litigation*'s "40 & Under Hot List - Northeast" for 2019, which included Michael B. Eisenkraft.

10. Attached to this declaration as Exhibit 159 is a true and correct copy of a *National Law Journal* article naming Julie G. Reiser one of the "Elite Women of the Plaintiffs Bar" in 2018.

11. Attached to this declaration as Exhibit 160 is a true and correct copy of a *The American Lawyer* article naming Julie G. Reiser a "Litigator of the Week" for the historic \$310 million settlement in *In re Alphabet Shareholder Derivative Litigation* in 2020.

12. Attached to this declaration as Exhibit 161 is a true and correct copy of *Law360* articles naming Emmy L. Levens and Michael B. Eisenkraft "Rising Star[s]" for 2020 and 2018, respectively.

13. Attached to this declaration as Exhibit 162 is a true and correct transcript of a November 21, 2014 hearing transcript before Judge Cote where Judge Cote observed that the quality of representation in *In re Electronic Books*, where Cohen Milstein served as Co-Lead Counsel, "has been excellent and have been of great assistance to the Court," and concluding that "the enforcement of our Nation's antitrust laws is vitally important to the vibrancy of our economy. Few firms are equipped with the resources and skills to pursue litigation of this complexity and against such well funded defendants. The skill with which plaintiffs' counsel acted in this case benefited the class and I would say benefited the American economic system as a whole. That is the importance of antitrust litigation I think." Hr'g Tr., *In re: Electronic Books Antitrust Litigation*, 11-MD-2293-DLC (S.D.N.Y. Dec. 8, 2014), Dkt. No. 686.

I declare, under penalty of perjury, that the foregoing is true and correct.

DATED: New York, New York
February 22, 2021

By: /s/ Michael B. Eisenkraft
Michael B. Eisenkraft
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